

PATENT

10/082,745

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2176
David R. Posh et al. : Examiner: M. Nguyen
Serial No: 10/082,745 : Confirmation No. 5306
Filed: 02/21/02 :
Title: A DATA PROCESSOR :
CONTROLLED INTERACTIVE :
DOCUMENT EDITING DISPLAY :
SYSTEM WITH AN IMPLEMENTATION : Customer No. 32,329
FOR SWAPPING THE POSITIONS OF :
TWO DESIGNATED SEGMENTS OF :
DATA IN A DISPLAYED DOCUMENT :
Date: 07-14-08 :

REPLY BRIEF ON APPEAL

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief to the Examiner's Answer mailed May 14, 2008.

In the Answer, Section (10) the Examiner makes a variation in the argument with respect to teaching of the primary Liu reference (US5,706,449) which Appellants wish to address.

To briefly set forth the present

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claimed invention, each of independent claims 1, 9, and 17 define an implementation wherein two segments of alphanumeric text in a displayed document having continuous lines of alphanumeric text are respectively designated, and a swap function is selected by a user to thereby swap the locations of the segments with each other. Liu discloses that two designated columns in a displayed spreadsheet may be swapped with one another. Thus, Liu does not teach the claimed elements of swapping two segments of alphanumeric text in a displayed text document having continuous lines of text.

Liu is concerned only with spreadsheet table functions, and involves nothing relative to text processing expedients, such as that of the claimed invention which involves sentences, paragraphs or pages in text documents having continuous lines of text.

In the Brief on Appeal, Appellants argued that the distinction between text documents and spreadsheets is clearly understood by those skilled in the art. While both contain data which may be semantically called alphanumeric, the document structures and editing functions in the text document processing art are understood to be very distinct from the numerical table organization of the spreadsheet art. Thus, a spreadsheet table is never regarded as text document by those skilled in the art. In order to avoid any possible literal or semantic reading of the present claims on the tables of spreadsheets, the claims define the text document as having continuous lines of text. In spreadsheet technology such as Liu, the alphanumerics are never in continuous lines; the alphanumerics in each spreadsheet cell are bound by the lateral walls of the cell.

In the Answer, Examiner points to Figs. 14 and 16 in Liu for a teaching relative to the use of swapping in text

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processing of continuous lines of text. Applicants submit that there is nothing pertinent in these sections. These sections relates only to the manipulation of columns in spreadsheet tables; these manipulations include swapping of columns. Where this section mentions text, it relates to text in the cells of the columns. Applicants concede that columns in spreadsheet tables may each include text entries but these are not in the form of the continuous lines of text in a text document.

Accordingly, it is submitted that the Examiner's interpretation of the Liu Patent does not meet the very specific requirements of 35 USC 102 that the reference must clearly teach every element of the invention without modification. It is submitted that the disclosure of a tabular spreadsheet of Liu fails to disclose every element of the invention without modification since Liu does not disclose the swapping of two segments of alphanumeric text in the editing of a text document having continuous lines of text.

In this connection, it is important to note that while Liu discloses the changing of positions of individual cells, and columns of cells, Liu never mentions the swapping of rows of cells. Appellants submit that the swapping of rows of has no significance in Liu or the spreadsheet art of which Liu is representative.

What Examiner appears to be doing is applying the standards of a 35 USC 103 obvious-type rejection in support of the present 35 USC 102 anticipation. In effect, Examiner is asking us to reason: would it not be obvious from Liu's teaching to swap rows of cells, and then are not rows of cells in a spreadsheet the equivalent of continuous lines of text. However, such reasoning is wholly inappropriate. 35

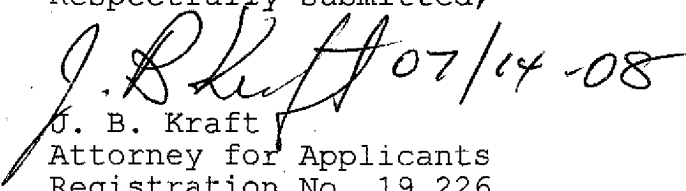
USC 102 and 35 USC 103 are independent statutes with respectively independent standards.

Appellants have established that Liu fails to disclose the swapping of alphanumeric segments in a displayed text document having continuous lines of text. Thus, Liu fails to meet the standards for an anticipatory reference under 35 USC 102.

With respect to any obviousness issues, such issues should not be implied in a 35 USC 102 rejection. Such obviousness issues should have been addressed in a 35 USC 103 obviousness rejection based on Liu or Liu in combination with another reference. This would give Appellants an adequate opportunity to directly address the obviousness question. It is submitted that applicants should not have to argue any implied obviousness issues in a rejection based on 35 USC 102.

Accordingly, for the above reasons, and for the reasons set forth in the Brief on Appeal, it is respectfully requested that the Final Rejection be reversed, and that claims 1, 2, 4-10, 12-18, and 20-24 be found to be in condition for allowance.

Respectfully submitted,

 07/14-08
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